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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,369	05/12/2005	Tillman Freudenberg	8470G-000023/NP	1073

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EXAMINER	
NGUYEN, XUAN LAN T	

ART UNIT	PAPER NUMBER
3683	

MAIL DATE	DELIVERY MODE
05/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/506,369	FREUDENBERG ET AL.	
	Examiner	Art Unit	
	Lan Nguyen	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 March 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 September 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/2/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

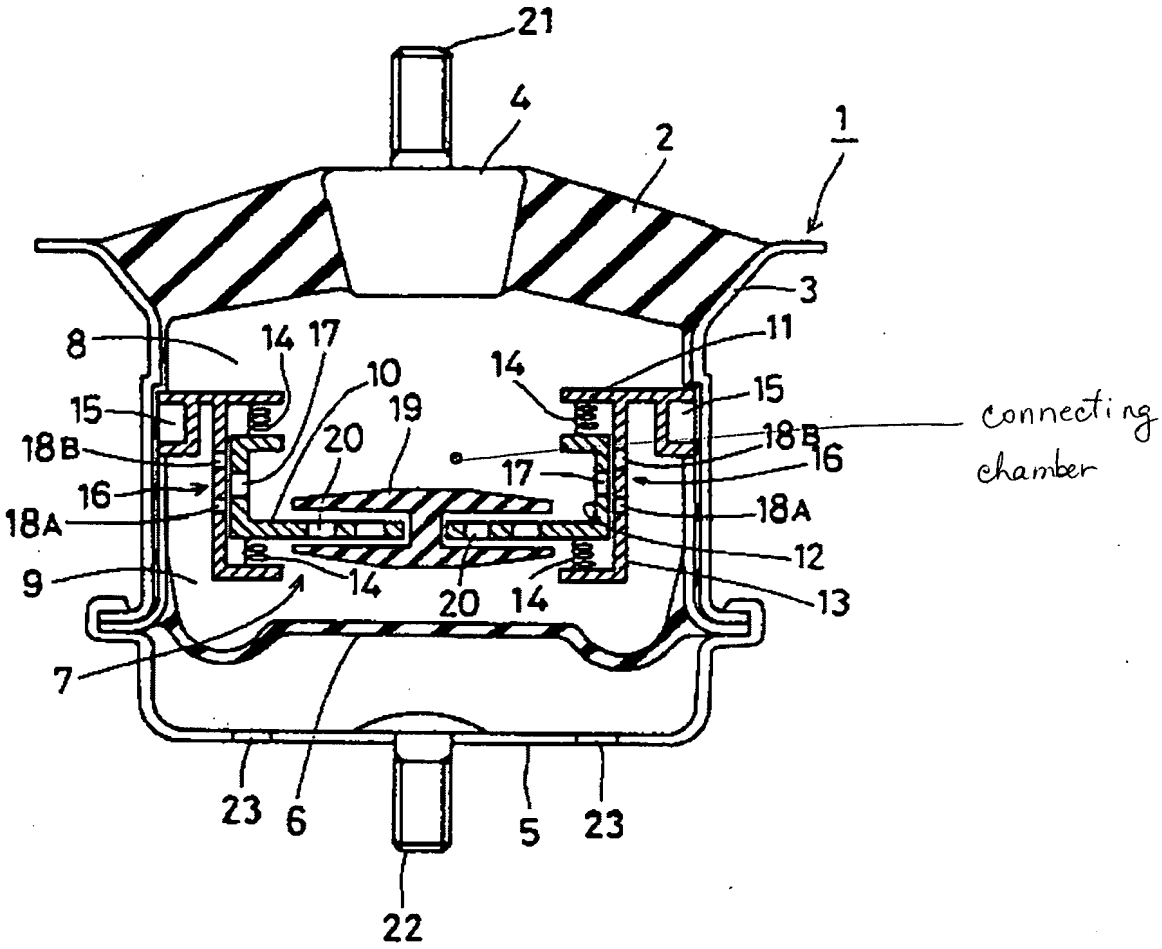
> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Okamoto et al. (JP 63030623).

Re: claim 1, Okamoto et al. show a switchable assembly bearing with hydraulic damping, as in the present invention, particularly for supporting drive assemblies and/or gearbox assemblies in motor vehicles, comprising: at least one working chamber 8 and one compensation chamber 9 that are separated from one another by a dividing wall 11, said working chamber and said compensation chamber being hydraulically interconnected through a damping channel 15, and at least one additional damping channel 16 that are formed in said dividing wall, said additional damping channel hydraulically interconnecting said working chamber and said compensation chamber through a connecting chamber as marked below, said connecting chamber houses a shut-off body 10 separate and apart from said dividing wall that is displaceable from a first position that enables fluid communication through said connecting chamber and a second position that closes said additional damping channel to disable fluid communication through said connecting chamber, wherein said additional damping

channel is configured and disposed relative to a symmetry axis of the bearing so that forces acting on said shut-off body through a hydraulic liquid counterbalance each other. Note that in figures 2 and 3, fluid is communicated when passage 17 is matched up with either passages 18A or 18B. When passage 17 is in between passages 18A and 18b, it is considered that fluid is not communicated through the additional damping channel 16.

第 1 図


21
4
2
1
3
8
14
17
10
11
14
15
19
15
connecting chamber
18B
20
18B
16
17
16
18A
18A
12
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Re: claim 2, Okamoto further shows said additional damping channel and said connecting chamber form a radially surrounding annular slot with a passage opening disposed radially relative to said symmetry axis and directed toward said compensation chamber 9, as shown in figures 2 and 3, and that said shut-off body 10 is formed by a sealing ring disposed at said passage opening and is displaceable along a displacement path that extends vertical to said passage opening between said first position and said second position.

Re: claim 3, as mentioned above, said passage opening points radially outward.

Re: claim 12, Okamoto et al. show a bearing assembly, as in the present invention, comprising: a working chamber 8; a compensation chamber 9, said compensation chamber in fluid communication with said working chamber through a first damping channel 15; and a connecting chamber, as marked above, fluidly connecting said working chamber and said compensation chamber through a second damping channel 16; wherein said first and second damping channels are formed in a dividing wall 11 that separates said working chamber and said compensation chamber; said connecting chamber includes a sealing ring 10 separate and apart from said dividing wall that is movable between an open position and a closed position such that said sealing ring can open and close said second damping channel of said dividing wall, as shown. Note that in figures 2 and 3, fluid is communicated when passage 17 is matched up with either passages 18A or 18B. When passage 17 is in between

passages 18A and 18b, it is considered that fluid is not communicated through the additional damping channel 16.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 4-11 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto et al. (JP 63030623) in view of Ozawa (USP 4,853,723).

Re: claims 4-6, Okamoto's assembly, as rejected in claim 1, employs springs 14 as a static controlling means of the shut off body 10. Ozawa teaches a dynamic controlling means of electromagnet 5 in order to adjust the positions of the shut off body 9 wherein the shut off body 9 is a magnetic body and further shows device 5 for actuating said shut off body formed of a ring-shaped electromagnet. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Okamoto's assembly with a dynamic controlling means as taught by Ozawa in order to be able to adjust the positions of the shut off body to improve the performance of the damper assembly.

Re: claim 7, figure 1 of Ozawa shows the electromagnet being disposed in a chamber as claimed.

Re: claim 8, Ozawa shows in column 6, line 10 that the shut off body is a magnetic body.

Re: claim 9, Okamoto shows the additional damping channel 16 is disposed within the dividing wall 11.

Re: claims 10 and 11, Okamoto shows a decoupling device 19 formed in dividing wall 11 and would be for quenching and damping high-frequency, low-amplitude acoustic vibrations.

Re: claims 13-15, Okamoto's assembly, as rejected in claim 12, employs springs 14 as a static controlling means of the shut off body 10. Ozawa teaches a dynamic controlling means of electromagnet 5 disposed in said connecting chamber and said electromagnet 5 moves said sealing ring between said open and said closed position, wherein said sealing ring is comprised of a magnetic elastomer, see column 6, line 10, in order to adjust the positions of the shut off body 9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Okamoto's assembly with a dynamic controlling means as taught by Ozawa in order to be able to adjust the positions of the shut off body to improve the performance of the damper assembly.

Response to Arguments

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on Monday through Friday, 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Xuan Lan Nguyen/ 4-23-07
Primary Examiner
Art Unit 3683